

The claims have been rewritten to address the 112 rejection, and also to better define the claimed invention and better distinguish the claimed invention over the prior art. More particularly, new independent claim 17 incorporates limitations of original claims 1, 3 and 4, which have been canceled. New independent claim 23 incorporates limitations of original claims 1 and 2, which have been canceled. New independent claim 30 incorporates limitations of original claims 1, 6, 7 and 8, which have been canceled. And, new independent claim 34 essentially incorporates limitations of original claims 9, 14 and 16, which have been canceled.

The indicated allowability of claims 8 and 16 is noted. Since claim 30 essentially comprises claim 8 rewritten in independent form, it is believed that claim 30, and claims 31-33 which depend thereon, and claim 34 which relates back to claim 30, all are now allowable over the art.

Turning to the rejection of claims 1, 5 and 9-11 as anticipated by Willner, claims 1, 5 and 9-11 have been canceled, thus rendering moot the anticipation rejection. Moreover, it is submitted new independent claims 17 and 23, and the several claims dependent thereon, cannot be said to be anticipated by Willner. New independent claim 17 includes limitations of claims 3 and 4, while new independent claim 23 includes limitations of claim 2. Since the Examiner has acknowledged that claims 2, 3 and 4 are not anticipated by Willner, it is submitted that on this basis alone, independent claims 17 and 23, and the several claims dependent thereon cannot be said to be anticipated by Willner.

Turning to the rejection of claims 3, 4, and 11-13 as obvious from Willner, claims 3, 4 and 11-13 have been canceled, thus rendering moot this rejection.

Insofar as claim 17, which includes the limitations of claims 3 and 4 is concerned, the Examiner recognizes that Willner fails to teach first and second convexoconcave structures. However, Applicant's independent claim 17 has other distinctions. More particularly,

Applicant's independent claim 17 requires that the spring member have a first end affixed to the outer convex surface of the first fixture, while the second end is affixed to the second outer convex surface of the second fixture. Willner's spring members are affixed into the distal ends of his housings. Thus, Applicant's claimed invention has significant mechanical advantages over Willner in that Applicant's claim structure, size for size, can achieve significantly greater clamping force due to mechanical advantages. Thus, Applicant's claimed structure provides increased security in holding ornamental objects (which might be precious or semi-precious stones), without adding to bulk. Accordingly, it is submitted that claim 17, and the several claims dependent thereon, cannot be said to be obvious from Willner.

Turning to the rejection of claim 2 as obvious from Willner in view of Buddle, claim 2 has been canceled, and the subject matter thereof, incorporated into new independent claim 23. It is submitted that new independent claim 23 is not obvious from Willner and Buddle. In rejecting claim 2 as obvious from Willner in view of Buddle, the Examiner acknowledges that Willner fails to teach cellular material on the inner surface of the fixture. However, the Examiner takes the position that this teaching is supplied by Buddle. Buddle is concerned with preventing slippage of the heel in a shoe. Aside from being non-analogous art, a shoe is a dynamic structure which undergoes constant flexure. Moreover, there are other distinctions. Buddle provides tunnels 10 into which removable foam inserts are installed so as to customize the fit of a shoe to an individual wearer. Thus, in Buddle, the foam is covered, and cannot provide frictional gripping as in Applicant's claim 23. Accordingly, claim 23 and the several claims dependent thereon cannot be said to be obvious from Willner in view of Buddle.

Turning to the rejection of claims 6, 7, 14 and 15 as obvious from Willner in view of Durham et al., claims 6, 7, 14 and 15 have been canceled. However, to the extent claims 6, 7, 14 and 15 find counterparts in claims 20 and 21, and claims 27 and 28, respectively, it is noted

claims 20 and 21 depend indirectly on claim 17, while claims 27 and 28 depend indirectly on claim 23. Since claim 17 incorporates the limitations of claims 3 and 4, while claim 23 incorporates the limitations of claim 2, on this basis alone, no combination of Willner and Durham et al. could achieve claims 20, 21, 27 and 28.

Moreover, Durham et al. concerns a medical clamp, and like Buddle, constitutes non-analogous art.

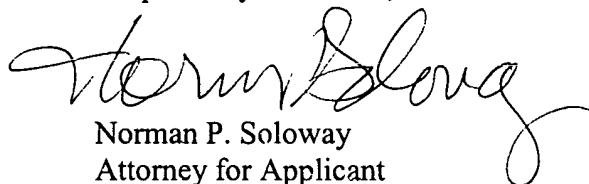
The allowability of claims 8 and 16 is noted. However, in view of the foregoing amendments and comments, it is believed that all of the claims are allowable.

Having dealt with all the objections raised by the Examiner, it is believed that this Application is in order for allowance.

Form PTO-2038 authorizing a charge in the amount of \$42.00 for the added independent claim fee accompanies this amendment.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on July 22, 2002, at Tucson, Arizona.

By



HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701

TEL. 520.882.7623
FAX. 520.882.7643



COPY OF PAPERS
ORIGINALLY FILED

MARKED COPY OF SPECIFICATION
PARAGRAPHS

SERIAL NO. 09/818,463

DOCKET: SKILES 00.01

MARKED SPECIFICATION PARAGRAPHS:

Paragraph beginning at page 2, line 21:

FIG. 2A is a view along the [A-A'] I-I axis of that first embodiment;

Paragraph beginning at page 2, line 22:

FIG. 2B is a side view along the [A-A'] I-I axis of a second embodiment of Applicant's clasp apparatus;

Paragraph bridging pages 3 and 4, line 21:

Referring to FIG. 2A, first fixture 110 further includes inner surface 116. Outer surface 114 and inner surface 116 are continuously joined by first edge 112. In the embodiment shown in FIGs. 1 and [2] 2A, first fixture 110 has a convexoconcave shape wherein inner surface 116 has a concave shape and outer surface 114 has a convex shape. In alternative embodiments, first fixture 110 has a planoconcave shape wherein inner surface 116 has a concave shape and outer surface 114 has a flat shape.

Paragraph beginning at page 4, line 4:

Second fixture 120 further includes inner surface 126. Outer surface 124 and inner surface 126 are continuously joined by second edge 122. In the embodiment shown in FIGs. 1 and [2] 2A, second fixture 120 has a convexoconcave shape wherein inner surface 126 has a concave shape and outer surface 124 has a convex shape. In alternative embodiments, second fixture 120 has a planoconcave shape wherein inner surface 126 has a concave shape and outer surface 124 has a flat shape.

Paragraph beginning at page 6, line 12:

Fixture 110 and [Fixture] fixture 120 (FIGs. 1, [2] 2A, 2B, 3) comprise truncated portions of spherical-shaped shell 410. Referring to FIG. 4C, plane 420 bisects shell 410 to form first truncated spherical shell 420 and second truncated spherical shell 430. First truncated spherical shell 420 includes outer surface 424, inner surface 426, and edge 422 which continuously joins inner outer surface 424 and inner surface 426. Fixture 110 (FIG. 3) and/or fixture 120 (FIG. 3) can comprise first truncated spherical shell 420.

Paragraph beginning at page 7, line 8:

Referring again to FIG. 5, first fixture 100 exerts first force 550 against object 310 urging object 310 into tight contact with second fixture 120. Similarly, second fixture 120 exerts second force 560 against object 310 urging object 310 into tight contact with first fixture 110. First force 550 in combination with second force 560 securely but releaseably holds ornamental object 310 in clasp apparatus 300. The magnitude of first force 550 can be adjusted by varying, for example, the area of inner surface 116 in contact with object 310. Similarly, the magnitude of second force 560 can be adjusted by, for example, varying the area of inner surface 126 in contact with object 310. As those areas of contact are increased, forces 550 and 560, respectively are increased. First force 550 and second force 560 can also be adjusted by varying the thickness and composition of member [13] 130. For example, as the flexural modulus of member 130 increases, the magnitudes of first force 550 and second force 560 also increase.

Paragraph beginning at page 8, line 7:

FIG. 7 shows an embodiment wherein closure apparatus 710 includes first connector 720

and second connector 730. First connector 720 includes proximal end [722] (not shown in FIG. 7) disposed on first end portion 620 (FIG. 6) and distal end 724 extending outwardly from first end portion 620 in the direction of second end portion 630 (FIG. 6). Second connector 730 includes proximal end [732] (not shown in FIG. 7) connected to second end portion 630 (FIG. 6) and distal end 734 extending outwardly from second end portion 630 in the direction of first end portion 620.

Paragraph beginning at page 8, line 14:

First connector 720 includes first surface [724] 723 and opposing surface 725. Surface 725 includes a ratchet portion 726 comprising alternating elevated segments 727 and lowered segments 728. Second connector 730 includes first surface [734] 733 and opposing surface 735. Surface 735 includes a ratchet portion 736 comprising alternating elevated segments 737 and lowered segments 738. Distal end 724 is disposed adjacent distal end 734 such that ratchet portion 726 slidably mates with ratchet portion 736.

Paragraph beginning at page 9, line 4:

Referring to FIG. 8, closure apparatus 610 (FIG. 6) comprises first connector 820, second connector 830, and body 810. First connector 820 includes proximal end [822] (not shown in FIG. 8) disposed on first end portion 620 (FIG. 6) and first threaded distal end 824 extending outwardly from first end portion 620 in the direction of second end portion 630 (FIG. 6). Second connector 830 includes proximal end [832] (not shown in FIG. 7) connected to second end portion 630 (FIG. 6) and second threaded distal end 834 extending outwardly from second end portion 630 in the direction of first end portion 620.



COPY OF PAPERS
ORIGINALLY FILED

MARKED COPY OF DRAWINGS

SERIAL NO. 09/818,463

DOCKET: SKILES 00.01